IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 20784 of 2004

Between:

K. Venkat Reddy, S/o. Late K. Lakshmi, Narasimha Reddy,
aged about 38 years, Occ: Driver,

R/o. Adloor Village, Shaligowraram Mandal,
Nalgonda District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Nalgonda Region,

Nalgonda District.
2 The Depot Manager, APSRTC, Narketpally Depot, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate writ or writs, order or direction declaring the order dt. 11.5.2004 in Proc.No.P1/781 (2) 2004-NKP on the file of the 2nd respondent, as illegal, arbitrary, unjust, without jurisdiction, violative of principles of natural justice and violative of Arts. 14, 16 & 21 of the Constitution of India; Award costs.

Counsel for the Petitioner: MR.N.SRIDHAR REDDY

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court at the stage of admission made the following:

ORDER:

The petitioner worked as a Driver in the respondent Corporation. He was selected as a Driver in the year 1999 through the selection committee.

2. The petitioner contends that on 15.3.2004 and 16.03.2004 he fell sick and could not attend duty during the strike period, and the same was informed to the Depot Authorities by applying leave. Subsequently, the 2nd respondent issued proceedings dated 11.05.2004 against the petitioner, alleging that the petitioner has not reported for duty during the strike period and his name was deleted from the approved panel of selected candidates without giving any prior notice or conducting any enquiry and without giving him any opportunity. He, therefore, approached this Court through this writ petition seeking a writ of mandamus declaring that the action of the 2nd respondent through the proceedings dated 11.05.2004 deleting his name from the list of selected candidates as illegal, unjust, amounts to an act of victimization and also in violation of Articles 14, 16 and 21 of the Constitution of India and to direct the 2nd respondent to reinstate him into service.

3. The respondents could not place any material to show whether any prior notice was issued or any enquiry was conducted against the petitioner for his unauthorized absence. In the absence of issuing prior notice or conducting any enquiry, the deletion of the name of the petitioner from the list of selected candidates cannot be sustained.

4. In the light of the above circumstances, the order of the 2nd respondent dated 11.05.2004 is set aside. The

2nd respondent is directed to restore the name of the petitioner into the list of selected candidates and allow him to discharge his duties according to rules. This order will not preclude the respondent to conduct any enquiry against the petitioner regarding his unauthorized absence if it so desires.

5. The Writ Petition is, accordingly, allowed. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager, APSRTC,

Nalgonda Region, Nalgonda District

2. The Depot Manager, APSRTC,

Narketpally Depot, Nalgonda District

3. Two CD copies.